



1) Discussion on the Letter identifying the details of the September 12, 1994 deliverable

Harlen Ainscough reported that the dispute resolution had formally ended in that the dispute resolution letter had been signed by the DOE, CDPHE, and EPA. CDPHE and EPA agreed that DOE may prepare the proposed IM/IRA-EA Decision Document to include the consolidation of minimally treated Solar Evaporation Pond (SEP) sludge beneath the Engineered cover. Harlen Ainscough indicated that CDPHE would have to propose the issue to the senior levels of CDPHE management in parallel with DOE's preparation of the proposed IM/IRA-EA Decision Document. Harlen Ainscough indicated that any issues remaining unresolved after August 8, 1994 should be discussed with DOE, CDPHE, and EPA management. However, since the dispute has been resolved the unresolved issues would not be addressed formally by the Dispute Resolution Committee (DRC).

It was agreed that the new secondary document identified in the dispute resolution would include:

1. Responses to the CDPHE/EPA comments on the draft IM/IRA-EA Decision Document
2. Identification of the results from the dispute resolution project baseline reevaluation and analysis of incorporating sludge into the IM/IRA.
3. Identification of how the proposed IM/IRA-EA Decision Document will change as a result of the dispute resolution period. **ES will provide a brief delineation of the IM/IRA-EA Decision Document Sections that will change and a brief description of the modifications.**

On August 8, 1994 ES will provide the results of the upgradient ground water control constructibility analysis. The EPA/CDPHE will take a week to review the results and determine if they concur with the recommendations. If the results of this analysis indicate that an upgradient ground water control system is implementable and cost effective, then the working group will identify the methods to determine if the system would be effective and identify any hydrogeological data needs. This information would then be factored into the determination as to whether the potential schedule impacts from demonstrating that the system would be effective are acceptable. The target date for assessing whether the baseline should change is September 12, 1994.

It was discussed that a meeting will be established in September to establish new IAG milestone dates.

## 2. Status of Sludge as Remediation Waste

It was determined that the DOE and the CDPHE disagree on the interpretation of the definition of remediation waste. The CDPHE considers that the sludge is not a remediation waste because it is not part of a corrective action, and that it is currently being managed in the SEPs as a hazardous waste. Arturo Duran indicated that the definition of remediation waste includes a clause stating that waste generated for the purpose of implementing corrective actions is considered remediation wastes. Frazer Lockhart agreed with EPA, and stated that the DOE has managed the SEPs and sludge in a manner which has pursued closure/remediation since 1987. The SEPs currently do not have a RCRA Part B operating permit. The DOE requested interim status to operate the ponds for the purpose of closure. Since hazardous waste management activities ceased in 1987, the DOE has used the SEPs only to store ground water that was collected from the interceptor trench system (ITS) under a corrective action program. The early SEP sludge solidification project, and the construction of the ITS established DOE's commitment to closure/remediation. Frazer pointed out that the CDPHE had been in support of all of these early corrective actions programs, and that the proposal to include sludge within the IM/IRA is consistent with the previous actions and closure/remediation philosophies. Harlen Ainscough agreed that he would take the DOE position back to the CDPHE Senior management for discussion.

## 3. Inclusion of Sludge as an Enhancement to the Remediation

Harlen Ainscough indicated that "enhancement" may not have to be demonstrated if the sludge and Building 788 debris is considered by definition to be remediation waste. However, if these materials are not considered remediation waste by definition, then their inclusion within the IM/IRA would be dependent on a demonstration that they enhance the remediation. It was noted that formal criteria establishing what demonstrates enhancement is not included in the Corrective Action Management Unit regulation. Arturo Duran indicated that the definition of enhancement was omitted largely to allow flexibility on how enhancement could be demonstrated. It was agreed that "enhancement" would need to be demonstrated at the facility level. Frazer Lockhart stated that the inclusion of the SEP sludge and Building 788 debris in the IM/IRA offered the following enhancements:

1. DOE would address the disposition of a troublesome remediation waste early (schedule enhancement)
2. DOE would make additional waste storage space available by including these materials in the IM/IRA (site waste management enhancement)
3. DOE would save between 20 and 60 million dollars in waste disposal costs which could be diverted to other remediation efforts (cost saving enhancements)

Arturo Duran suggested that DOE may also be able to show an enhancement through a demonstration that the closure/remediation was protective to human health and the environment.

#### 4. Physical Form of the Backfill

It was agreed that the physical form of the backfill was a detailed design issue that would be determined by the ability of the backfill materials to be compacted to an acceptable level for the construction of a stable engineered cover. It was previously determined at the July 25, 1994 team meeting that the sludge would be dewatered via minimal treatment prior to being consolidated beneath the engineered cover.

#### 5. Consideration of DOE Order 5820.2A and Related DOE Policies

Steve Howard presented information that DOE order 5820.2A does not provide a 10,000 year design criteria for low level radioactive waste disposal facilities. Arturo Duran stated that DOE Orders are not ARARs. The 10 CFR 61 regulation is for commercial disposal facilities which does not directly apply to DOE remediation activities. Arturo Duran stated that 10 CFR 61 is an ARAR. Frazer Lockhart noted that all the criteria of 10 CFR 61 are met by the proposed design. It is thought that the confusion might have originated because the State of Colorado and the DOE are working together to establish criteria and assess potential sites for a Statewide low level radioactive waste disposal facility.

#### 6. Cost Effectiveness of Onsite Disposal vs. Offsite Disposal

It was agreed that the cost data previously provided was sufficient to meet the requirements of this item. It is noted that the current cost for the only potentially available waste disposal facility is \$57 per cubic foot of waste disposed. It is important to note that packaging and transportation costs would also have to be factored into complete cost comparisons. It was agreed that offsite disposal was not currently a cost effective waste management alternative.

#### 7. Risk Management Associated with Offsite Disposal

It was discussed that this topic was not an important issue to resolve due to the fact that the accessibility of waste disposal sites in the near term was extremely limited and potentially problematic with respect to political interests. In addition, it was agreed that offsite disposal was not a cost effective alternative. It was noted that an assessment of the risks associated with the transportation may become an important issue if wastes were shipped offsite.

#### 8. Access and Availability of Offsite Disposal vs. an Onsite LLMW Disposal Facility

The currently existing low level mixed waste (LLMW) disposal facilities include :

1. Nevada Test Site

2. Hanford
3. Envirocare

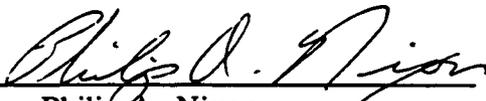
Frazer Lockhart indicated that the Nevada Test Site is currently not accepting LLMW. The State of Nevada has offered a suit against the DOE concerning the sites Environmental Impact Statement. Hanford is only accepting contaminated low level radioactive waste materials that are also contaminated with PCB wastes. The DOE has an agreement to ship LLMW to the Envirocare facility located in Utah. The Rocky Flats Plant is planning on testing this contractual relationship around the end of this calendar year (1994) by transporting a low volume waste to this site for disposal. Frazer pointed out that the politics associated with the shipment of wastes to Utah is potentially problematic because Utah and Colorado are members of different low level radioactive waste management compacts. Colorado and the states within its compact have not designed and permitted a low level waste disposal facility. Frazer noted that the State of Colorado (including the states in its compact) and the DOE are beginning to look for a site for a low level radioactive waste management facility. He noted that this is very conceptual and would not be ready for many years. Frazer also noted that 49 sites were identified. The sites have been screened down to 9. The western area of the RFP remains as one of the 9 potential sites.

#### 9. Waste Stream Prioritization

It was agreed that this item is not an issue since the revised footprint of the engineered cover presented at the July 19, 1994 Team Meeting indicated that there was adequate capacity available for all the materials that the DOE plans to consolidate beneath the engineered cover. The inclusion of the various materials will be confirmed as a function of detailed design.

#### 10. Use of IHSS 101 Site vs. Alternative Rocky Flats ER CAMU location for Disposal of OU-4 and Additional ER Remediation Wastes

It was agreed that there would be programmatic benefits and long term cost savings if a sitewide LLMW disposal facility were designed and constructed at the RFP. The disadvantage to this strategy is that it would likely take a number of years to plan, permit, and construct. Harlen Ainscough stated that the RFP buffer zone solid waste landfill project has taken 4 years, and the Highway 36 hazardous waste disposal facility has taken 10 years to permit and install. Given the fact that at least several years would elapse before the facility would be available, it was agreed that the OU4 SEPs would have to be temporarily closed and then excavated for disposal when the sitewide facility was completed.

  
Philip A. Nixon